

Strike Fund Heist!

Hoffa says he'll raid 'dedicated' strike fund to cover general expenses

When the Hoffa administration forced through the largest dues increase in IBT history last year, Hoffa claimed that 15 percent of the International's income would go into a "dedicated" strike fund that could only be used to help members wage successful strikes and to pay out-of-work benefits to striking or locked-out Teamsters.

The Hoffa PR department called the strike fund a "lock box."

But now Hoffa is threatening to raid that "lock box." He says he will use our strike fund to finance a variety of general union expenses, including "contract education" and "membership mobilization."

How can working Teamsters put a stop to the strike fund heist?

See story page 5.

Hoffa's Promise ...

Q What is meant by a "dedicated" Strike Fund?

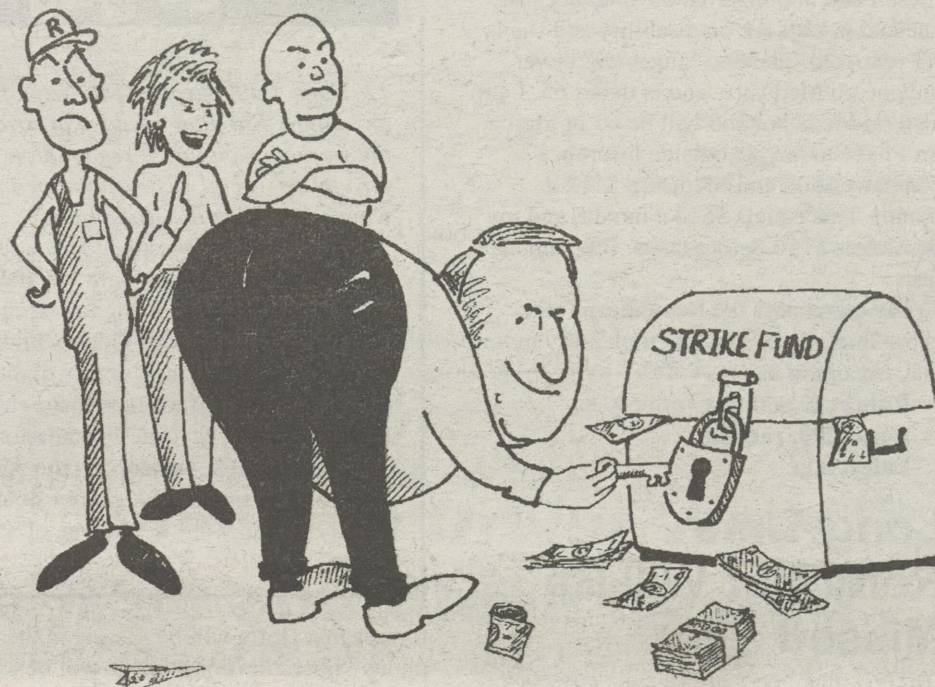
A It means that no one can touch the money going into the Strike Fund except to pay strike benefits or assist the Union in waging effective strikes. The Strike Fund would be in a "lock box," separate from the Union's General Fund.

from IBT publication **Frequently Asked Questions** regarding the dues increase

Will He Keep It?

**Pension
Movement Grows,
Spreads to the
West**

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Letters From Our Members

Health Coverage Sinking Retiree

I retired in 1996 after 37 years as a Teamster. Upon retirement I was to pay \$56 per month for health insurance for my wife and myself. Then in 2001 they took away dental and eye care. They also then charged \$150 per month for health coverage, with a \$1,000 deductible.

Now as of January 2003 my wife or myself can no longer be covered because she and myself are on disability and she is 63 years old. They no longer will cover anyone on Medicare who is under 65. I am also on Medicare and will be 65 in March. So I have to pay an outside insurance company \$500 and Medicare \$112 a month. This equals \$612 a month, and my pension is \$750 before taxes. I'm sinking fast.

My union says the Republicans take every thing away. No-one took away more than my union did.

Robert K Schmitt
Local 200, retired
Foley, Ala.

Long-Time Reformer Will Be Missed

TDU member Walter Kudla passed away in January. Brother Kudla was fighting for reform in the Teamsters before anyone ever heard of TDU. He was a member of New York construction Local 282. He was a reformer when cement shoes really meant cement shoes, and broken legs were not accidents.

Walter was brave and true to his heart; he never gave in no matter what the odds. He will be missed by Teamsters across the country.

Michael Ruscigno
Local 802 business agent
New York

Hoffa Supporting War Drive

While opposition to Bush's coming war with Iraq has grown in the American labor movement, one prominent union official has signed up in support of Bush's war drive — our own General President James P. Hoffa.

It was announced in November that Hoffa was joining the so-called Committee for the Liberation of Iraq, which is lobbying Washington for war with Iraq. It was created with the approval of the Bush White House and is funded by prominent Republicans. Among the rogue's gallery of reactionary, anti-union



Martin Luther King Jr.

1929-1968

The Memphis Sanitation Workers Strike

The day before he was killed in 1968 Martin Luther King spoke to a rally of striking Memphis sanitation workers. The workers struck on Feb.

12, some 1,300 strong. The City of Memphis had never before negotiated with any union. But after 65 days of struggle that spanned the assassination of King, the workers won union recognition, wage increases, a grievance procedure and an end to racial discrimination in job assignments. Here are excerpts from King's speech at the strike rally.

"The issue is injustice. The issue is the refusal of Memphis to be fair and honest in its dealings with its public servants, who happen to be sanitation workers. Now we're going to march again ... and force everyone to see that there are thirteen hundred of God's children here suffering, sometimes going hungry, going through dark and dreary nights wondering how this thing is going to come out. You know, whenever Pharaoh wanted to prolong the period of slavery in Egypt, he had a favorite formula for doing it. He kept the slaves fighting among themselves. But whenever the slaves get together, something happens in Pharaoh's court and he cannot hold the slaves in slavery. When the slaves get together, that's the beginning of getting out of slavery. Now let us maintain unity."

figures that Hoffa will be joining in the phony "liberation committee" will be former House Speaker Newt Gingrich, Republican Senator John McCain and Democratic Senator Joe Lieberman. The committee's president is Randy Scheunemann, a former aide to Republican Senator Trent Lott, infamous for his recent statements in support of the racist presidential campaign of Strom Thurmond in 1948.

What on earth is Hoffa thinking? Isn't it obvious by now that the "war on terrorism" and the war drive against Iraq have been used as a cover for attacking the labor movement at home and controlling oil abroad? Isn't Bush's imposition of Taft-Hartley on the West Coast dockers, the bankrupting of United Airlines, massive tax breaks for the rich, refusal to extend unemployment benefits and \$355 billion military budget a clear enough track record? What else does Hoffa need to

see that the Bush administration is the most corporate controlled, anti-working class administration in modern history?

Hoffa's support for Bush's war drive is, unfortunately, only the latest in a series of blunders, missteps and disasters that his administration has presided over. Over the last year we have seen a failed strike at Overnite, a mediocre contract at UPS, the destruction of Consolidated Freightways and a string of endorsements of anti-union Republicans.

Hoffa should immediately resign from the phony Committee for the Liberation of Iraq and endorse the anti-war resolution passed by Teamster Local 705.

Joe Allen
Local 705, UPS
Chicago

TDU International Steering Committee

Co-Chairs:

Joe Fahey, Watsonville, Calif., Local 912
Maria Martinez, Pasco, Wash., Local 556
Michael Ruscigno, New York Local 802
Michael Savoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

Willie Hardy, Memphis Local 667
Erik Jensen, Minneapolis Local 320
Matt Latzo, Baltimore Local 570

Members:

Millie Gonzalez, Puerto Rico Local 901
Jim Jacob, Providence, R.I. Local 251
Roy Kruchten, Chicago Local 705
Ashley McNeely, Minneapolis Local 2000
George Saavedra, Vallejo, Calif., Local 490
Dawn Stanger, Vermont Local 597
Frank Villa, Los Angeles Local 630

Alternates:

Kirk Stephenson, Seattle Local 763
Louis Irby, Little Rock, Ark., Local 878
John Love, Reading, Pa., Local 429

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 2002 for one year. Our Rank & File Convention had over 400 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Freight Contract – Early Wrap-up?

As we go to press, bargaining for the National Master Freight Agreement is at a critical stage. A tentative agreement could be reached soon, with membership voting to determine the outcome.

On Jan. 20 the union broke off talks and began to schedule strike votes in a move to push the employers to settle.

The employers have still made noise about forcing some members to pay part of health and welfare costs, but this proposal is dead on arrival and everyone knows it. It looks like a smokescreen so they can throw the union leadership a bone to say "look

what we did" when it is officially withdrawn.

Members Should Evaluate, Decide

On a Jan. 19 conference call to local unions, freight director Phil Young said key issues were winning large wage increases to make up for lump-sum and poor increases last time, pension improvements, an extra vacation week at 30 years, job security, ending the wage progression, major grievance procedure improvements, and ending subcontracting.

All freight Teamsters should review

those issues to see if the promised major gains are real, and review the whole contract. TDU will issue bulletins to help analyze the tentative agreement. With two months to go until the contract even expires, there is no need to rush this through. The future of the union in freight and our ability to organize in trucking are on the line.

Right to Strike in Contract?

James Hoffa stated at the outset of negotiations for the NMFA that he would go all-out to win the right to strike over needlessly deadlocked grievances.

This would go a long way to restoring balance to the grievance procedure. We would have some power, instead of watching our rights, contract, and jobs get nibbled away at stacked grievance panels. This is not a union issue that should be dropped.

Seniority Protection for Officers

Numerous officers, including some on the Freight Negotiating Committee,

have stated that the Hoffa administration has withdrawn a union proposal to give away a democratic right and previous contract victory. If this is confirmed, it's good news for freight Teamsters.

In 1994 we won the right of union officers and agents to retain seniority at the carrier they come out of. This is important not only for officers, but for rank and file Teamsters. It means more Teamsters can run for office, and also that if they are elected, they can be more independent minded. An officer with no job to return to is more easily controlled by the union's top officials.

That's why the old guard union officials refused to bargain for this clause, and it was up to the Carey administration to win it in all the big national contracts. Many local contracts still lack this democratic protection.

Rank and file Teamsters, and some local officers, seem to have pounded some sense into Hoffa's negotiators. We hope to see this confirmed in the tentative agreement.

Freightlines

Another Junior Represents the Rank & File

Go to the IBT web site on freight negotiations and you can see and hear Phil Young Jr. say what a great job his pop, Phil Young Sr., and the rest of the committee are doing. Phil Junior is one of three members of Kansas City Local 41 who have been invited to participate in the recent weeks of negotiations. Over the years, many stewards and active members have argued that Teamsters who work under the contract need a place at the negotiating table. We didn't know it would take someone of Phil Young Jr.'s "credentials" to make this happen. Just last month, Junior gave up his appointed position at Local 41 as he lost the 2002 local election.

Crescent Truck Goes Down

Crescent Truck Lines, the next to last Teamster represented regional LTL carrier in the West, has closed its doors after 44 years. The company blamed escalating insurance costs, the poor economy and the aggressive pricing by nonunion competition that drove rates down. Nearly 300 Teamsters from Oakland Local 70 and Los Angeles Local 63 lost their jobs.

TDU Files Suit Demanding Action on Rules Update

Last month a coalition of advocacy groups, including TDU, filed suit in the U.S. Court of Appeals charging that the Department of Transportation has caused thousands of needless highway deaths because it has wasted years of inaction on truck safety regulations. The rules relate to hazardous materials, background checks for drivers, inspection staffing levels at borders and hours of service. On each of these, Congress had ordered DOT to issue rules to address the safety problems by a certain date, but those deadlines have long since passed. The groups filed a petition seeking a court order for DOT to finish its rulemakings. "These rules are critical to making our highways safer," said Joan Claybrook, president of Public Citizen.

Hours of Service Changes Coming?

The White House Office of Management and Budget (OMB) has the latest proposed submission on hours of service. A review is underway. So far, details of the changes have not been released though insiders claim the new version is much simpler and more trucking-friendly than a previous proposal made in 2000. The Federal Motor Carrier Safety Administration received more than 50,000 comments on the earlier proposal. Stay tuned. We expect final rules by this summer.

U.S.-Mexico Border Opening Delayed

Thanks to a lawsuit filed by a broad-based coalition of environmental, labor and community groups including the Teamsters Union, the Department of Transportation must prepare a full Environmental Impact Statement and Clean Air Act conformity determination before it can open the U.S.-Mexican border.

The lawsuit charged the Bush Administration failed to address environmental health concerns in its move to open the border. Mexico does not have strict controls on diesel emissions.

National Dump Nonunion Stock Day?

When Yellow spun off CSC Corp (consisting of non union carriers Saia and Jevic), every Teamster who owns Yellow stock received 1 CSC share for every 2 Yellow shares held. Thus Yellow Teamsters own millions of dollars worth of this non-union outfit. Suggestion: The International Union could designate "Dump Nonunion Stock Day," and ask all our Teamster brothers and sisters to sell their stock on that date. If we are going to own or pump up trucking stocks, let's have them be union.

STAA Helps Driver Get Job Back

Roadway Driver Wins Back Pay and Clean Record

Roadway peddle driver Jim Kistner thought his work day was over when he returned to the Avon, Mass., terminal at 10 p.m. on a Friday night. He had started work at 9 a.m. that morning, handled one of the longest peddle runs in the terminal and was then redispached at 6:45 p.m.

Then at 10 p.m. the night supervisor told him he would have to hook up two sets of outbound doubles. "This assignment would have involved the operation of heavy motor vehicles, in the dark, alone" Kistner pointed out in his grievance. He told management that he was too fatigued to continue working safely. Manager Jim Yuska then insisted that Kistner had voluntarily quit his job.

Grievance Procedure Not Enough

As is too often the case, the grievance procedure failed to make Kistner whole. He was reinstated six weeks after his discharge, but without back pay and with a suspension on his record.

Kistner filed a complaint with the Occupational Safety and Health Administration (OSHA), charging that Roadway had violated the Surface Transportation Assistance Act (STAA), which protects drivers from operating under unsafe conditions such as when fatigued. On Dec. 31, OSHA ruled in Kistner's favor. They ordered Roadway to pay Kistner backpay, including overtime, for six weeks, plus compensatory damages of \$100 per week and interest. They also directed Roadway to expunge the suspension from Kistner's personnel records.

"At the time of discharge," Kistner points out, "I was careful to say that I was

too fatigued to continue working safely. I did not deviate or embellish and I called over a couple of witnesses to hear the exchange."

He also makes clear that overwork and safety hazards can often go hand in hand with management's drive to squeeze more out of fewer workers: "Time and again overtime flows like beer at a Shriner's convention while junior men sit at home losing pay, and the health and welfare funds miss out on payments. Management may claim that it is critical situations that result in abusing employees by working them 12-14 hours without notice, but leaving themselves understaffed is a chronic problem."

Let's hope our bargaining committee takes note of this in the freight contract negotiations.

The STAA Handbook

How to Use the Surface Transportation and Assistance Act (STAA) to Enforce Truck Safety and Protect Your Job

Find out how you can make use of this law to protect yourself and your job. \$8 per copy.

Send your order to TDU, PO Box 10128, Detroit, MI 48210 or order online at www.tdu.org.

Please include full mailing address and local union number.

Carhaul Negotiations Ahead

What can carhaulers expect in the next contract? The present contract expires on May 30, and negotiations will open soon.

The Hoffa administration will present the union's initial bargaining demands to local officers on Feb. 18 in Chicago, and present them to the employers after that.

Carhaulers have reason for concern. Allied's CEO, Hugh Sawyer, has brazenly stated he will demand concessions and a separate contract. Nonunion outfits have sprouted like weeds, and some are getting bigger. The time to organize is now, and the contract to protect jobs and our future is this one.

TDU will provide all information available during the coming weeks and months, so that carhaulers can get informed, involved and organized to protect our jobs and contract.

A number of carhaulers have recently joined TDU, as the contract approaches. If you want to help build a stronger rank and file force to win a better contract, see page 12.

Canadian Negotiations Drag

In Eastern Canada the carhaul contract expired on Oct. 31, yet still is not near settlement. The union allowed Al-

lied (the majority of Canadian carhaulers work for Allied) to split off and bargain first.

The demand for a continental (flex) work week has been pushed off the table, but other concessionary demands are still in play. It's time to step up the pressure from the union side.

U.S. and Canadian carhaulers should be prepared to unite to insist on no concessions whatsoever and positive gains on both sides of the border. And no weakening of the border agreement that protects jobs at the Canadian-U.S. and U.S.-Mexico borders.

Pension Improvements a Must

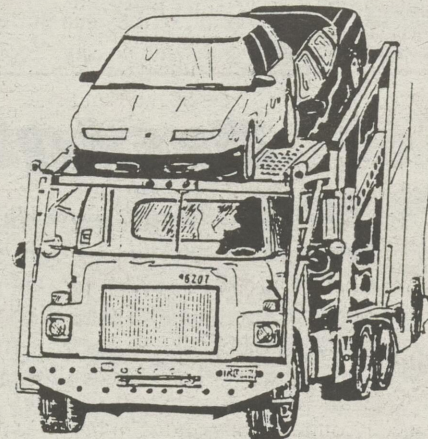
Carhaulers have indicated that pension improvements are a top concern. At the Detroit Local 299 contract proposals meeting, members passed a motion to that effect, demanding action from the union and the Central States Fund.

So far, the Hoffa administration may not have got the message. But they will, as the pension movement builds.

In the union's December question-

naire to all carhaulers, the only way you could choose to improve pension benefits was to agree to make concessions on health benefits! This is not acceptable as the union's bargaining posture, but there it was, in the second question in the survey.

Carhaulers interested in supporting the Pension Improvement Committee should contact TDU or check out www.nopensionfreeze.org. And watch for upcoming Pension Improvement Committee meetings in your area.



Ohio UPS Teamsters Beware

The Ohio Rider to the UPS agreement gives the company the right to present an alternative health care plan to full-time employees once during the contract for a vote. Once they do, the union is contractually obligated to take a neutral stance on the company proposal. Cleveland Local 407 has already been informed by UPS that they intend to submit an alternative plan during the first quarter of 2003.

There is great long-term risk in this deal. Because of the demographics of UPS — 60 percent of the workforce are young, part-timers who are expected to use their health care less than older employees — UPS can afford to offer a plan promising more generous benefits at less cost to them than they currently pay. On

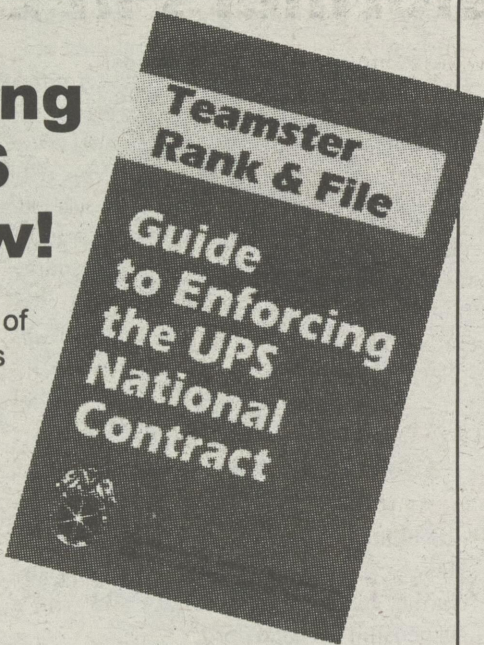
the surface, this will appear tempting to some employees, and with the union committed to neutrality UPS will have a free ride selling their plan.

But this can be a trap. As we see at General Electric (see article, page 7) once a company controls the plan they can make changes as they see fit. GE is even more profitable than UPS. Yet mid-contract, they decided to shift \$300 million in health care costs to their employees. Why? Are they in trouble? No. By their own admission they just want to maintain their high level of profitability.

UPS Teamsters should think long and hard before handing this kind of control over their health care benefits to UPS management.

Start Enforcing the New UPS Contract Now!

This booklet explains the meaning of the most important contract articles and gives practical tips on how to use each article to win grievances. It also has a guide to common problems and an appendix with sample NLRB complaints, information requests and more. \$10 each



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Send to TDU, Box 10128, Detroit, Michigan 48210

UPS & Downs

When 50 Percent Means 25 Percent

A Memorandum of Agreement between UPS and the union states that "current bargaining unit employees will fill not less than one-half of the positions held by employees of subcontractors." That should be clear, but UPS in some areas is using funny math to come up with numbers. For example, if there are 20 clerk positions currently filled with subcontractor employees, UPS will ask the 20 how many want to stay. If ten say they will stay, UPS takes the position that bargaining unit employees get to fill 50 percent of the ten vacant positions, which works out to 25 percent, not 50. Don't let this math prevail in your area.

Another challenge is determining exactly how many clerks there are currently. Local unions can use information requests to review agreements with contractors, payroll records and other material to verify UPS's numbers. If stewards or BAs don't have the time to investigate, the local can use the union leave clause of the contract (Article 16) to put together a crew of rank and file helpers.

Air Driver Pay Rate Victory

Last summer UPS management tried to undermine Article 40 Air Driver language by refusing to pay Louisville drivers who handle ground packages the top package driver rate for the entire day. Instead, UPS insisted that drivers only get top pay if they deliver ground for more than four hours in a day (or get paid top rate for time worked handling ground for under four hours). Louisville Local 89 drivers have now won a grievance over this issue. The decision reaffirms that UPS will pay the top rate for the entire day if an air driver handles even one ground package.

UPS To Roll Out Bluetooth Scanner Technology in June

The Smart Label technology UPScan has been pre-tested in the Northwest and is being tested in Buffalo, New York and other locations. The next phase of a five-year project is expected to begin in June. UPS will begin using wireless Bluetooth scanner rings that capture data from package labels and transmit it to terminals worn on handlers' waists. Some 1,700 worldwide locations are to receive the technology. Package tracking is just one of UPS's goals. They will also be pushing for greater productivity from package handlers and hope to reap greater control over package car loading and routes.

Philadelphia Janitors Protest UPS Nonunion Subcontracting

On Jan. 21, laid-off janitors delivered a portrait of Martin Luther King to a UPS-owned Mail Boxes Etc. store on Market Street in Philadelphia. In December UPS switched to a nonunion cleaning contractor at their Willow Grove hub. The janitors, members of Service Employees International Union, had struck successfully in the past. "With Reverend King's portrait we want to remind UPS that we will continue our non-violent struggle to fight for justice in our jobs," janitor Kenneth Graves said.

Hoffa Threatens Raid on 'Dedicated' Strike Fund

When Hoffa and other Teamster leaders were giving the hard sell for the big dues hike last year, they promised to create a "dedicated Strike Fund" that could only be used to pay strike benefits and help members wage effective strikes.

But now James Hoffa says he intends to use our strike fund to pay for a variety of general expenses, including "contract education" and "membership mobilization."

Hoffa announced his plans in a Dec. 23 letter to Teamsters at Southwest Airlines, many of whom are angry about the dues increase and questioning whether they will ever use the strike fund because of the difficulties of striking in their industry.

Hoffa promised them, "Our Strike Fund will be used to conduct an aggressive SWA contract campaign, contract education and for membership mobilization efforts. The IBT Strike Fund will be used to ensure that our SWA members win a strong contract—regardless of whether or not a strike occurs."

Contract Campaigns Yes! Strike Fund Raid No!

Do we need contract campaigns, mobilization, and membership education? Of

course we do! But the Teamster General Fund can finance these activities without siphoning money from our strike fund.

Remember, the dues hike nearly *doubled* the amount of money going to the International Union, to about \$150 million a year. Of that \$150 million, only 15 percent goes to the strike fund. An additional 10 percent is supposed to be allocated to organizing. That leaves 75 percent — well over \$100 million each year — for the General Fund.

Given these figures, it just doesn't add up that our strike fund would be raided to cover expenses belonging to the General Fund.

Will They Raid Our Strike Fund Again?

Will our strike fund be raided? It has happened before. In 1989, the Old Guard siphoned \$34 million from the strike fund to cover general expenses, rather than cut waste like multiple salaries, golf tournaments for officials and the like.

The creation of a "lock box" was supposed to block any future raids on the strike fund. At this time we have no information on how our strike fund mon-

Members Tell Hoffa:

Hands Off Our Strike Fund!

Concerned Teamsters can take action to protect our strike fund. Tell Hoffa to keep his hands off our strike fund. Contract campaigns and membership mobilization can and should be paid for by our General Fund.

► Call General President Hoffa at 202-624-6881.

► Write Hoffa at IBT, 25 Louisiana Ave NW, Washington DC 20001.

► Email Hoffa at MButler@Teamster.org. Messages are forwarded from there to the General President's office.

DANGER

HANDS OFF

TDU, Member Action Gets Results

IBT Admits Hoffa VP Took Improper Payments

International Vice President Carroll Haynes has been caught taking salary payments over the amount permitted by the Teamster Constitution. Haynes will reportedly have to reimburse New York Local 237 more than \$5,000.

Under the IBT Constitution, no International official can be paid more than the General President. But in 2001, the last year for which salary figures are available, Haynes collected three Teamster salaries totaling \$241,667, \$4,942 more than General President Hoffa.

TDU uncovered this violation while investigating Teamster financial documents to prepare the annual *\$100,000 Club*, a nonpartisan report of all Teamster officials who are paid more than \$100,000 by the union.

The violation was publicized in September in articles in *Convoy-Dispatch* and in *The Chief*, a weekly newspaper for New York City public employees. Haynes and the IBT refused to comment.

More than four months passed and the IBT took no action until Local 237 members Clark Peña, George Contoveros, and Roy Lang Jr. filed internal union charges against Haynes. Only with TDU and rank-and-file members forcing their hands did the IBT order a review of the situation.

Now, Secretary-Treasurer Tom Keegel claims his review shows that the salary overpayments, nearly \$200 per week for 26 consecutive weeks, were a "clerical error" and not a violation of the constitution. Keegel reports that Haynes has offered to repay the \$4,942 plus interest.

The matter will go before the General Executive Board for a hearing and decision. At that time, other charges against Haynes will also be heard. Peña, Contoveros and Lang charge that Haynes violated his oath of office and his fiduciary duty by putting a personal chauffeur on the union payroll. So far, the IBT has not commented on that charge.

Haynes' robust union earnings come on top of \$65,000 from the New York City Housing Authority and \$20,000 in social security payments. Under a loophole in city regulations, Haynes is allowed to continue to collect his civil service salary provided that any additional compensation he receives is for work outside the normal eight-hour workday.

Apparently, Haynes is claiming to do his Teamster jobs on evenings and weekends although he occupies four Teamster posts: Local 237 president, Joint Council 16 trustee, International VP, and Public Employee Division Director.

The picture looks far less rosy for rank-and-file Local 237 members. With New York City running a budget deficit of \$3 billion the mayor has pledged that he will not negotiate any wage increases that are not paid for in productivity increases — in short, a wage freeze.

Haynes accepted a two-year wage freeze in the contract proceeding the current agreement. That freeze fueled the strongest rank-and-file challenge to Local 237 officers in the union's history with the Rank and File Action Slate, led by Chris Sullivan, garnering 43 percent of the vote.

eys are being spent or whether any abuses have already occurred.

We do know that just six months after the dues hike went into effect, Hoffa is openly announcing his intention to use money from the strike fund in contract negotiations "regardless of whether or not a strike occurs."

TDU encourages all Teamsters to let the International know that we want our strike fund to be the "lock box" that we were promised.

Members Reelect Reformers in Local 556

Two years after electing TDU leader Maria Martinez over a Hoffa-appointed trustee, Local 556 members overwhelmingly chose a reform slate to continue to lead their local.

IBT President James Hoffa intervened in the election by assigning a personal representative to Local 556 whose job it was to put together an opposition slate. But members voted for the Respect & Dignity Slate by over 70 percent.

Martinez, Melquiadez Pereyra and other TDU members were first elected in 2002.

Since then, they have organized rank-and-file contract campaigns, fought for

Members Reject Two International VPs

Teamster members can make changes when they get together in an organized way — even when they're taking on the big cats. Witness two recent local elections where International Vice Presidents suffered political defeats.

Vancouver and Kansas City

James Hoffa's go-to guy in Canada, International VP Garnet Zimmerman, was bounced by his own members in Vancouver Local 31. Zimmerman's entire slate was defeated for reelection by a slate that included elected business agents and a number of rank and filers. The new head of Local 31 is Stan Hennessey.

Things likewise took a bad turn for

TDU to Demand Accounting

Teamsters deserve a truly dedicated strike fund and an accurate accounting of how our dues money is being spent. TDU is taking action to make sure members get just that.

In the coming months, TDU members will demand a full accounting of how our strike fund is being used. We will report the facts to Teamster members. If the IBT refuses to provide an accounting, we will take legal action to get this information.



safety and respect in the workplace, and strengthened representation by recruiting and training elected stewards.

Local 556 represents workers in eastern Washington and Oregon, primarily in the meatpacking and food processing industries.

International VP Phil Young in his home local, Kansas City Local 41, although Young himself did not run. An opposition slate upset Young's designs to pass the torch to his chosen successors, including Phil Young Jr.

The opposition slate won four of the seven spots on the executive board and sent Phil Jr. down in defeat. Since the election, one of the new officers lost his job at UPS and in record time the grievance panel ruled against him. Could Phil be trying to send a message? If so, he failed to learn the lesson of the Local 41 election. Kansas City Teamsters are no longer so easily intimidated or under Young's thumb.

Members Turn Up the Heat on Central States Pension Fund

Teamster anger at the Central States Pension Fund has rapidly grown into a broad movement that is getting the attention of top IBT officials and fund administrators.

Recent Pension Improvement Committee meetings in Atlanta, Minneapolis and Milwaukee featured standing room only crowds of hundreds of concerned Teamsters. Over 250 freight and UPS members attended the Atlanta meeting, some driving from Florida and South Carolina.

Freight and carhaul Teamsters are fast becoming as active in the campaign as UPS Teamsters. The movement has branched out to every state covered by the fund. In the coming weeks meetings will take place in many new locations (see box page 7) with more being scheduled all the time.

At union meetings, resolutions that call for increased benefits, the easing of reemployment restrictions, and the elimination of the recent increase in health and welfare premiums are being passed with overwhelming and often unanimous support. Recently, motions have been adopted by Arkansas Local 878, Alabama Local 991 and Georgia Local 728, among others.

On Jan. 27, a first batch of over 10,000 petition signatures was presented to the Central States Fund. Over 1,500 signatures alone have been received on the

www.nopensionfreeze.org website. Thousands more Teamsters have signed the petition already and tens of thousands more will in the areas where it is just now getting started.

Under pressure from members, more Teamster officials are taking public positions on the issues (or one of the issues as is most often the case). On Jan. 9, IBT Vice President Jack Cipriani took a small step by writing to the Central States Fund about the reemployment rule. In his letter Cipriani stated that he was "disappointed that Central States was unable to raise retirement benefits following the UPS contract. As a member of the national negotiating committee, I expected that by winning the richest contract in the history of the Teamsters Union our members' pension benefits would increase."

The new director of the fund, Thomas Nyhan, has also taken the unusual step of responding directly to accusations that the fund is not doing enough to improve benefits. Nyhan takes issue with TDU organizing around pension issues and uses some very creative logic to argue that benefits have not actually been frozen!

At the same time, rumors continue to circulate that the fund will make some



On Jan. 12, 250 concerned members and retirees gathered in Milwaukee at a meeting co-sponsored by the Pension Improvement Committee and the Retirees And Members (RAM) in the Wisconsin Health Fund. Above, attorney Ann Curry Thompson talks with Milwaukee members after the meeting. On the previous day Ms. Thompson met with 200 Teamster in Minneapolis.

readjustment to the much-hated reemployment rules (see article below).

Thanks to the hard work of many fine Teamsters, the campaign for pension jus-

tice is getting the attention of those in power. But to win real changes we will need to step up the pace of organizing in the coming weeks and months.

Other Unions Take Action

Workers at GE Strike Over Health Care Hikes

Teamsters are not the only ones fighting health care rollbacks. Over 20,000 workers at industrial giant General Electric walked out for the first time in over 30 years over health care co-pay increases on Jan. 14-15.

Spirited picketing across the country was tempered by news early on Tuesday morning that a fellow striker had been killed. Michelle Rodgers, a single mother of three who had worked at the GE appliance plant in Louisville, Ky., since 1994, was struck by a police car while picketing and pronounced dead at the scene. Strikers mourned her death with silent picketing and black armbands.

The International Union of Electrical Workers (IUE-CWA) and the United Electrical Workers (UE) voted to strike after GE unilaterally implemented co-pay increases for all workers in its main medical plan on Jan. 1, including retirees under 65. The unions estimate that the increases could cost members and retirees almost \$400 per year in increased medical costs, a cost shifting of over \$30 million from the company to its workers.

While the company argues that the increases are necessary to offset skyrocketing health care costs, the unions point out that health care costs as a percentage of profits were actually lower in 2001 than in 1999.

"A company that sets record profits each year — \$14.1 billion in 2001 — can

afford to maintain health benefits without forcing workers and retirees to pay more," said IUE-CWA President Ed Fire. "At the same time GE was demanding higher health care co-pays, CEO Jeff Immelt was boasting to Wall Street investors that GE would make \$16 billion in profits for 2002."

Some locals, like Local 201 in Lynn, Mass., are building community support for GE workers by linking the fight against cutbacks at GE to the broader fight for national health care reform. Under the banner of "Health Care for All—Not Health Cuts at GE!" Local 201 members took part in a community rally on Jan. 15 that brought together GE workers, seniors, doctors, nurses, and other workers, to make the case that the solution to rising health care costs can't be achieved one company at a time.

The actions shut down 48 GE facilities nationwide, including plants manufacturing everything from aircraft engines to light bulbs to medical equipment. While GE workers are represented by a coalition of 14 unions, including the IBT, only IUE and UE have the right to strike in mid-contract. GE workers in other unions held at-work solidarity actions during the strike.

The fight is expected to heat up as the unions gear up for contract negotiations later this year. The UE-GE National Contract expires on June 15.

Lawsuit Targets Unfair Reemployment Rule

Teamsters and retirees in the Central States Fund are set to open up a new front in the battle for pension justice, with a class action lawsuit in federal court.

Attorney Ann Curry Thompson has traveled to Georgia, Wisconsin, Ohio, Minnesota, and North Carolina to meet directly with Central States Teamsters who are being victimized by the unfair reemployment rule that prevents a retiree from supplementing his pension. Her firm has received hundreds of questionnaires from Teamsters and compiled them into a data base to better understand the problems members face.

Now Thompson is set to launch the lawsuit aimed at rewriting the reemployment rule, so that it allows retirees to work

to supplement their pension. At a recent meeting an angry Teamster rose to say, "It's a disgrace the way the pension fund and our own union officials have made this rule so arbitrary and restrictive. It's turned into a weapon to prevent Teamsters from being able to retire." Thompson replied that's exactly why it will be challenged.

The Pension Improvement Committee is raising funds not only to support ongoing rank and file organizing, but costs of the suit and of an independent actuarial study to get the honest facts regarding our pension fund. If you would like to help, contact TDU about fundraising or donate to the Pension Improvement Committee.

luncheon the first of every month. We have about 30 retirees who attend each month and I would like to get as many of them signed up as I could.

We also have a drivers retirement breakfast that meets the same day and hopefully I can get them to sign as well.

I and many of my fellow retirees appreciate your effort in this matter.

Petition Drive Growing

Jim Waggoner
Local 327, Kroger retiree
Nashville

I have signed the Central States pension petition, and printed off the questionnaire on the reemployment rule from the website.

I am a retired Teamster for two years now and I have organized a retirement

Will the Trustees Respond to Pressure?

Token Changes Not Enough

The explosive growth of the pension movement is getting a response both from the pension fund and from officials inside the Hoffa administration. This is a positive development, and shows that even though the movement has just begun, already united Teamsters are shaking things up.

Two members of the Teamster General Executive Board have sent the word out to members that they will "fix the problem." Both General Secretary-Treasurer Tom Keegel and International Vice President Jack Cipriani recently sent full-time officials from their locals to Pension Improvement Committee meetings (in Minneapolis and Greensboro, N.C.), and the message they put out is that the movement is right about the reemployment rule, but that the Hoffa administration will take care of it.

Their message is that members can just relax. Some local union officials are saying the policy will be revised before the end of January, by vote of the trustees of the Central States Fund.

We hope so, but let's be clear. Officials of the Hoffa administration, who are 50 percent of the fund trustees (the other 50 percent are employer representatives), are the very people who have devised and supported these unfair rules, and then made them worse. They have imposed this mean-spirited policy that prevents our retirees from earning money, under penalty of having their pension suspended.

The time is now to totally reverse that policy. We are not going to settle for a token change or halfway measure to calm down the members. We want a total revision, so that the only prohibited work is that which directly competes with bargaining unit Teamsters in the same geographic area.

We call upon the union trustees of the fund to do just that. They are not supposed to be rubber stamps for the employer trustees who settle issues of our future over lunch or on the golf course. They are supposed to be fighting for working and retired Teamsters.



It was standing-room-only at the Atlanta Pension Improvement Committee meeting on Jan. 4 when 235 Teamsters came together to learn about the class action lawsuit being prepared and get involved in the movement. Most were from Atlanta Local 728, but Teamsters also came from South Carolina, Florida and Alabama. Meetings are now being set up in all those areas. When UPS driver and TDUer Randy Brown made a motion at the January Local 728 meeting to put the Local Union on record backing the Committee's stand, it passed unanimously.

Officials of the Hoffa administration, who are 50 percent of the fund trustees (the other 50 percent are employer representatives), are the very people who have devised and supported these unfair rules, and then made them worse. They have imposed this mean-spirited policy that prevents our retirees from earning money, under penalty of having their pension suspended.

The time is now to totally reverse that policy.

Movement Will Not Stop Now

We know the pressure is mounting and it will continue to mount, in the union halls, in the court and in the Teamster voting booths at election time.

The movement is also about more than the reemployment rule. It's about ending the freeze in benefits that has been imposed, so that there will be reasonable improvements, without waiting until 2008. Most other Teamster funds, with the same employers and contracts, are paying more already. It's about reversing last year's hike in the cost of medical insurance for retirees and preventing them from hiking the medical insurance payment even more, as they have already threatened to do.

That's why we can't be calmed down with a half-way measure on the reemployment rule, because we are out to get justice from our pension fund. It's our money, and we expect no more and no less than complete accountability from union officers who are our representatives overseeing our money and our future.

What You Can Do

- ▶ **Circulate the petition.** Set a goal for your local or workplace. Copies of the petition are available at www.nopensionfreeze.org or by calling TDU at (313) 842-2600.
- ▶ **Help sponsor or build a meeting in your area,** to inform members and build support for pension improvements.
- ▶ **Raise money** to support an independent actuarial study of the fund and the lawsuit. Contact PIC via www.nopensionfreeze.org or by calling TDU to get fundraising materials. Make checks payable to Pension Improvement Committee.
- ▶ **Inform your coworkers.** Help counter the misinformation and inform your coworkers by distributing the *Convoy* newspaper and *PIC Updates*.
- ▶ **Pass a motion at your union meeting.** Put your local on record in support of the campaign. Sample motions are available at www.nopensionfreeze.org or by calling TDU.
- ▶ **Build the movement for change in our union.** The future of our pension fund is tied to the future of our union. We need to organize, we need to protect our contracts, and make our union strong. And, we need to press for stronger more accountable leadership from the top to the bottom of our union. Join TDU and be part of making it happen.

Pension Improvement Meetings

The Central States Pension Improvement Committee is forming local committees throughout the entire area covered by the Central States Fund. Some upcoming meetings include:

CLEVELAND-AKRON
Saturday, Feb. 8, 11am - 1pm

COLUMBUS, OHIO
Sunday, Feb. 9, Noon to 2 p.m.
UAW Local 969, 3761 Harding Dr.

NASHVILLE, TENN.
Saturday, Feb. 15, 1 p.m.
American Legion Hall
(On Elm Hill Pike)

NEW ORLEANS
Saturday, Feb. 15

ORLANDO, FLA.
Saturday, Feb. 15

PUERTO RICO
Saturday, Feb. 15

HOUSTON
Saturday, Feb. 15, 10 a.m.

MIAMI
Sunday, Feb. 16

DES MOINES, IOWA
Saturday, Feb. 22

CHARLOTTE, N.C.
Saturday, Feb. 22

GREENVILLE, S.C.
Saturday, Feb. 22, 9 a.m.
Holiday Inn, 4295 Augusta Rd.
(Off I-85 Near Route 25)

Call TDU at (313) 842-2600, or see www.nopensionfreeze.org for info or flyers for a meeting in your area. Other committees are in formation and more meetings will be slated soon.



"We're holding a pension meeting here in Nashville and I look for it to be big. Carhaulers I talk to cannot believe what the pension fund is trying to do to us.

"It looks like they either want us to work till we die, at this physically demanding job we have, or retire and become sedentary, which will also shorten lives. We have drivers who need to move to something less demanding and with shorter hours.

"I've been an active Teamster for many years but only recently joined TDU. Over 70 carhaulers at Cassens Transport have joined so far, and more are joining every day. We're getting involved not only because of the pension issue but because we need better representation and a rank and file force involved in our upcoming contract.

"If you care about the future of the Teamsters, get involved. In the pension movement, and in TDU."

Brian Adams
Steward, Cassens Transport
Nashville Local 327

Teamster Pension Benefits Cut in West

"I'm planning to retire in three years. This will cost me \$400 a month for the rest of my life."

That's what a Colorado freight Teamster said when he heard about the drastic cutback coming down from the trustees of the Western Conference of Teamsters Pension Fund.

I'm planning to retire in three years. This will cost me \$400 a month for the rest of my life.

Colorado freight Teamster

How Much Will This Reduce Your Pension?

The benefit accrual cut, which goes into effect on July 1, 2003, approximately cuts in half the pension benefits that each Teamster will accrue per year of continued work. (It cannot, by law, affect benefits already earned.)

UPS

Example: UPS Teamster with an employer contribution rate of \$4.78 per hour.

The Cut: Monthly pension raise of \$242 for each year of continued work (for those with over 20 years), cut to \$100 for each year you work.

If this cut remains for three years, a 20-year UPS Teamster would gain only \$300 instead of \$726 in monthly benefits, a \$426 monthly cut for life.

Warehouse

Example: Southern California warehouse Teamster with an employer contribution rate of about \$3.10 per hour (for SoCal grocery drivers, the rate is about \$3.90 and the cut would be proportionately

sion Fund.

Future Benefit Accruals Cut

In mid-January the fund imposed big cuts on future benefit accrual. They slashed the "multiplier" from 2.92 percent a year (or 2.2 percent for those with less than 20 years) down to 1.2 percent a year.

What does this mean for working Teamsters? The accrual cut taking effect July 1 will cut the benefits that each Teamster will accrue per year of continued work approximately in half. (See article below.)

The cuts do not affect pension amounts already earned, as that is illegal

larger).

The Cut: Instead of a monthly pension raise of \$157 for each year of continued work (for those with over 20 years), the monthly benefit improvement is being slashed to only \$64 per year of work.

A warehouse Teamster planning to retire in three years would lose about \$273 per month in pension benefits if this cut remains in effect.

Freight

Example: Freight Teamster with an employer contribution rate of \$4.53 per hour.

The Cut: A 20-year Teamster will only accrue \$94 per month for each continued year of work, instead of the current \$230.

If the cut remains for three years, a 20-year freight Teamster would gain only \$282 instead of \$690 in monthly benefits, a \$408 monthly cut in pension for life.

Note: The same percentage cuts apply to all Teamsters under the fund. The above dollar figures assume 2,080 paid hours per year of work.

under federal law. The cuts affect pension accruals that Teamsters will earn in the years to come.

'Why Would They Do This?'

That's what we hear from members as they learn of the big cut.

The pension fund's union trustees are not accountable to working and retired Teamsters. Many of them, including Chuck Mack, Jim Santangelo, Al Hobart, Ralph Taurone and Rome Aloise, enjoy extra officers-only pension plans which are not being cut.

"This was a deal made over lunch," one West Coast officer told us. "Our union trustees didn't bargain with the employers, they just went along with the employer trustees."

Full Funding

The employer trustees insist on having the fund "fully funded," which means that if every employer went broke tomorrow, the fund would have enough in the kitty (\$23 billion) to pay all pension obligations, projected into the future.

The pensions of Teamsters planning to retire in the next several years are being sacrificed to have a better looking bottom-line for Safeway, UPS, Roadway and all the other employers.

Instead of simply reducing the multiplier to what has always been its base level of 2.65 percent (over 20 years) and 2 percent (under 20 years), they slashed it way down to 1.2 percent to maintain full funding.

Bottom Line Gets Lower

The 2/2.65 percent level is the historic bottom line multiplier for pensions in the West, and many Teamsters have been promised it would never go lower than this level. Now they are lowering pension accruals to half of this historic bottom line.

The excuse is the loss the fund has taken from stock investments in the past three years. Indeed, like all funds, they have had stock losses. But with some

\$23 billion in assets, and full funding, the fund could easily smooth out those short-term losses over a long period, rather than attacking Teamsters who have been told in writing by the fund not only that the multiplier is secure, but that also they would get a bonus level of pension accruals through 2005.

What Can We Do?

Make your voice heard. A movement is already starting to brew and is sure to grow in the West on this issue. The cuts can be rescinded, or modified, by the same people who made them — the fund trustees.

Members can make a difference, if we make our voice heard now, in an organized way. The first step is to get the word out. Coordinated action to reverse this decision will follow. Contact TDU to get involved now.

Who Cut Our Pension Benefits? Union Trustees of the Western Conference Pension Plan:

Darel Aker, Oregon JC 37

Rome Aloise, International Rep.

Tony Andrews, Ore. Local 305

Doug Bush, Wash. Local 589

Al Hobart, Wash. JC 28

James Long, JC 38

Chuck Mack, International VP

Patrick O'Donnell, Mont. Local 2

Jim Santangelo, International VP

Charles Silvas, Calif. Local 381

John P. Souza, Modesto Local 386

Ralph J. Taurone, International VP

Jerry Vercruse, Calif. Local 630

Note: there are an equal number of employer trustees, so that the union trustees have 50 percent of the votes and control. These officials have the power to correct this injustice — let them know they work for us, not the employers.

\$30 Million per Year Gift from Pension Fund to UPS

Why Did Our Union Officials Give UPS a Pension Concession?

Top union officials are telling members in the West that they must accept pension benefit cuts because the fund is short of money. But if that's the case, why did they give UPS a \$30 million gift from the fund last August?

Here's how it works. Instead of contributing about \$3 per hour for each UPS employee hired, the employer was given a rate of only 10 cents per hour for the first 90 days of employment. Over 60 percent of UPS employees are part timers, and the turnover is so high that nearly half of them pass through with less than 90 days in. So UPS saves big money, which until August was flowing into our pension fund.

Until recently, the pension fund banned this type of contract deal. Then the trustees changed that policy, and

opened the door to inevitable employer pressure, which led to this deal at UPS.

Some Teamsters say the deal with UPS was not so bad, because in return the union got something for members: UPS full-timers can use their overtime hours to make up time, up to a maximum of 2,080 hours per year. Maybe so. But if our officials knew the pension fund was headed for cuts, they should have looked long and hard at giving UPS \$30 million a year from the fund.

Note: The estimate of \$30 million per year is as follows: 25,000 part time UPS Teamsters in the West, with about 40 percent with less than 90 days seniority, at 20 hours per week, \$3 per hour concession, comes to \$31 million per year given from the pension fund to UPS.

How to Calculate Your Pension

In the Western Conference Pension Plan, each year you work, and your employer makes contributions to the plan, your pension benefit grows. The amount it grows is easy to calculate, once you know these facts:

- What does your employer contribute, per hour, as specified in your contract;
- How many credited hours did you have for the year (many contracts do not include overtime hours, and have a 2,080 limit);
- Are you covered by "PEER 80" or 82 or 84 early retirement?
- How many years have you been in the pension plan (more or less than 20)?
- What is the multiplier that the pension fund is applying for that year? This last point is where the big pension cut comes in.

Example: Your contract provides for \$3.90 per hour employer pension contributions. You are covered by PEER 80. You were credited with 2,000 hours for the year. You've worked under the plan for 22 years.

2,000 hours times \$3.90 equals \$7,800 paid into the fund on your behalf. But you must buy your PEER 80 by reducing this amount by 16.5 percent. That leaves \$6,513. Now, you simply multiply that by the multiplier to get your pension benefit raise for the year. If the multiplier is 2.65 percent, the historic base level, you would get \$173 added to your monthly pension benefit for a year's work. But, with the big cut down to 1.2 percent, you will get only \$78 added to your monthly pension. That's a huge cut in your pension benefits.

New 300-A Summaries Posted in February

How to Make the Most of OSHA Rules on Reporting Workplace Injuries

Under its record-keeping rules, OSHA requires that employers track and report injuries and illnesses in the workplace. In February 2003 employers will for the first time be posting summary reports (OSHA Form 300-A) that are based on new record-keeping rules put in place last year. Look for these reports on the bulletin board in your workplace starting in February.

Workplace activists, stewards and health and safety committees can use these injury and illness reports to track safety problems in the workplace. The information can also be used to defend grievances or prepare proposals for bargaining. The summaries can be particularly helpful in larger workplaces, where it can be difficult to get a good picture of health and safety problems and trends.

Workplace activists, stewards and health and safety committees can use these injury and illness reports to track safety problems in the workplace. The information can also be used to defend grievances or prepare proposals for bargaining.

If your workplace has any kind of safety incentive (bonus or bingo programs) policy or discipline policy (such as points for accidents) it could be well worth your time to review the 300-A summaries. These employer policies tend to discourage reporting of illnesses and injuries. The 300-A can be used as evidence to show that the policies are having this illegal dampening effect.

Is Your Employer Covered by the Rules?

Any employer with ten or more employees must keep and post the reports. There are exemptions for certain "low hazard" industries, but very few Teamster employers would qualify.

What Injuries/Illnesses Does Your Employer Have to Record?

Employers have to record all new cases of work-related injuries and illnesses if they involve:

- Restricted work or transfer to another job.
- Days away from work.
- Death.
- Medical treatment beyond first aid.

- Loss of consciousness.
- A significant injury or illness that has been diagnosed by a physician or other licensed health care professional.

Changes under the new rule regarding what has to be recorded:

The rule sets out situations under which injuries do not have to be recorded, such as someone getting injured in a vehicle accident in a company parking lot while commuting to or from work.

The new rule drops a requirement that all illnesses be recorded, regardless of whether they result in lost time or job transfer. While this is negative, the new rule does state that any "significant" illness must be recorded if a licensed medical

provider has diagnosed it. This would include work-related cancer, bone fractures and lung diseases such as silicosis.

The rule does specify certain cases, such as ergonomic problems, that must be indicated separately. This will help track these serious problems. (However there is a delay on this requirement until 2004).

How Have the Forms Changed?

- The 300 Log — kept by the employer throughout the year and used to come up with the 300-A summaries — asks where injuries or illnesses occurred in the workplace (rather than asking for the department in which the injured employee usually works).
- The 300 Log now requires that employees check one of seven boxes to categorize an injury/illness (rather than dividing the form between injuries and illnesses as was done under the old 200 Logs). The categories are:
 1. injury
 2. musculoskeletal disorder (torn

- rotator cuff,
- carpal tunnel syndrome, low back pain, etc.).
- 3. skin disorder
- 4. respiratory condition
- 5. poisoning
- 6. hearing loss
- 7. all other illnesses.

Hide and Seek

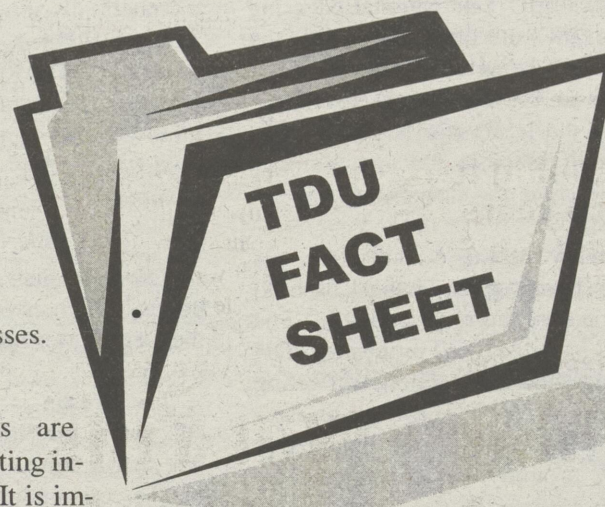
Many employers are prone to under-reporting injuries and illnesses. It is important to compare what your employer enters on the 300-A reports with information gathered from other sources, such as a rank and file workplace survey.

It is a violation of OSHA regulations to fail to report injuries and illnesses accurately. If your employer is not reporting correctly you can file a complaint with OSHA.

Access to Information

In addition to posting the 300-A Summary in February, employers must provide copies of other materials as set out below. Under the new rules time limits for providing information have been set. The new rules also provide privacy for cases involving HIV, sexual assault and tuberculosis.

- Employers must provide copies of OSHA 300 Logs by the end of the next business day. Those who have a right to request copies of logs include workers and former workers, their personal representatives and union representatives.
- Employers must provide copies of Form 301 Incident Reports — filled out each time there is an incident — by the end of the next business day to workers, former workers or personal representatives.
- Employers must provide copies of Form 301 Incident Reports to union representatives within seven calendar days. They may remove personal information about the employee(s) involved.
- Copies of all reports indicated above must be provided free of charge the first time requested. Employers must retain injury and illness reporting records for a period of five years.



How to Make the Most of Record-keeping Rules and Rights

The 300 Logs are helpful, but not a foolproof tool. Workers and local unions who use other workplace health and safety strategies will be in the best position to make use of them. Here are some suggestions.

- Get your local to track health and safety grievances throughout the year. Refer back to them when reviewing the 300-A Summary or the Logs. And/or use 300 Log statistics (if accurate) to back up grievances when they arise.
- Challenge employer tricks that discourage the reporting of injuries and illnesses. Bonus programs, bingo or lotteries that reward workers for not reporting injuries should be fought just as hard as accident "point" systems and other disciplinary policies that discourage workers from reporting injuries. Fight these through bargaining (the union has a right to bargain over these policies, even when the contract is not up) and through organizing.
- Organize worker health and safety surveys. A confidential survey that is organized to get maximum participation is an excellent way to get more detailed information on workplace illness and injuries. Compare your results with the employer's 300 Log reports.
- Compare the 300-A Summary with the 300 Logs and the Incident Reports. Look for inconsistencies or missing information.
- During OSHA workplace inspections, point out problems with the 300 Logs to OSHA inspectors.

TDU Steering Committee Makes Plans to Build Teamster Reform

The new TDU International Steering Committee (ISC) met on January 18 for the first time since being elected at the TDU Convention in Cleveland last November. The ISC is the leadership body that provides overall direction for the Teamster reform movement's work between conventions.

The January meeting's main focus was on helping Teamsters on a local basis to make our union more accountable. The recruitment report showed promising TDU growth since the convention, reflecting growing interest in TDU, as well as a renewed focus on locally-based organizing, particularly around pension issues. ISC

members discussed ways to improve TDU recruitment, including a proposal to form a "TDU Recruiters Network."

TDU members will be receiving a more detailed report plans for this year in an upcoming bulletin to all TDU members.

2003 TDU Convention Set

The committee also voted to hold this year's TDU convention at the Westin at the Detroit Metropolitan Airport on Oct. 24-26.

The Westin is a brand new facility attached to the Northwest terminal, with free shuttle service from other terminals.

The committee discussed the need to

publicize and build the convention in the coming months.

TDU Dues Structure

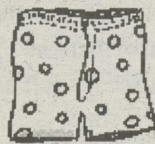
The new TDU dues structure, which was approved at the November TDU Convention, went into effect on Jan. 1. The new rates are \$40 for a one-year membership, \$95 for a three-year membership, and \$25 for retirees, spouses, and Teamsters who gross under \$22,000

per year. TDU dues are a voluntary donation and the lifeblood of funding for Teamster reform.

The added dues income will be an extra shot in the arm to help us take advantage of greater organizing opportunities.

If you're not a member yet, we encourage you to join. You won't find a better value for rank and file Teamsters than a TDU membership. See page 12 for details, or join online at www.tdu.org.

Labor Shorts



GE Wins Grinch Award

The results are in, and General Electric has won the Jobs with Justice Grinch of the Year award. Despite record profits, GE wants its employees and retirees to pay substantial increases in health care costs. (See article page 7.)

The Grinch award, decided by an online election, is presented each year to the candidate voters feel has done the most harm to working families in the past year. Other contenders in this year's election were Wal-Mart, the West Coast Waterfront Coalition and United Airlines. See www.jwj.org for more.

Rail Workers Organize

The Teamsters and the Brotherhood of Locomotive Engineers, who are exploring a merger, recently organized some 300 workers at the Iowa, Chicago & Eastern Railroad to become the first members of the Teamsters/Locomotive Engineers Rail Operating Employees' Council. The rail line operates between Minneapolis, Chicago and Kansas City.

Boycott Targets Coors

After 429 members of PACE Local 6-1010 at Graphic Packaging Corporation (GPC) in Kalamazoo, Mich., rejected a concessionary contract, the company responded with a lockout. GPC makes packaging for many food products and for Coors beer. The Coors family controls GPC through family trusts, and has been targeted by PACE for its anti-union conduct. For more information, visit www.coors-abuse.org.

Layoffs Continue, Reports Cease

On Christmas Eve, the Bush administration announced that the Bureau of Labor Statistics will no longer issue monthly reports detailing layoffs of over 50 workers. The final report in November detailed 2,150 mass layoffs involving about 240,000 workers.

Beer and Soft Drinks on the Beach

The Brewery and Soft Drinks division will meet the end of this month at the beachfront Sheraton Yankee Trader in Fort Lauderdale Beach, Fla. We assume the beer and soft drinks will be well chilled.

OSHA Delays Changes

OSHA will delay implementation of record-keeping changes for at least another year. The changes, which were to take effect this January, included a definition of musculoskeletal disorder (MSD) and a requirement that employers check the appropriate column in the OSHA log if an employee experiences a work-related MSD.

New rules have also been delayed involving reporting occupational hearing loss. The Bush administration wants to give employers another year to update their record-keeping systems.

Meanwhile, working people do their jobs and live with the very real possibility of unsafe consequences. In 2000, the latest year for which full figures are available, hazardous working conditions took the following toll: 5.7 million were injured or became sick on the job; 50,000 died because of occupational illness; 5,915 died from fatal work injuries.

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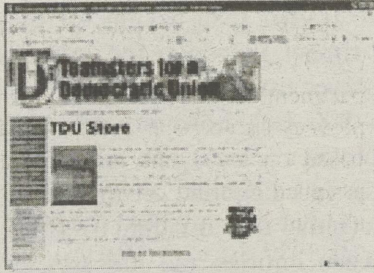
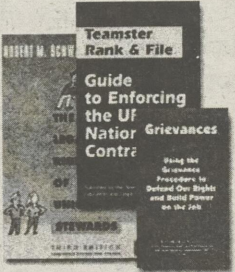
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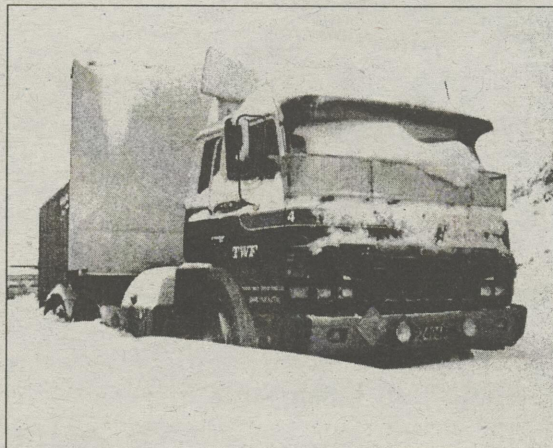
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Your Rights Under the STAA

Refusing to Drive in Bad Weather

by Paul O. Taylor
Attorney at Law

Winter is now in full swing and truck drivers will face snow-covered, icy roads throughout the Plains, the Northeast and the West. At times, they will face the decision of whether or not it is safe to drive. Of course, the driver's decision may differ from his dispatcher's decision. When this conflict arises it is generally the driver's decision that will legally control who is right and who is wrong.



The United States Code of Federal Regulations [49 C.F.R. §392.14] provides in pertinent part as follows:

Hazardous conditions; extreme caution. *Extreme caution in the operation of a commercial motor vehicle shall be exercised when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the operation of the commercial motor vehicle shall be discontinued and shall not be resumed until the commercial motor vehicle can be safely operated.*

This regulation does not provide a clear test for when a driver shall discontinue operations due to bad weather.

The Surface Transportation Assistance Act (known as the STAA) prohibits an employer from disciplining or firing a commercial driver because that driver refuses to drive a commercial motor vehicle on the highways in violation of Federal safety regulations. The STAA also prohibits an employer from disciplining or firing a commercial driver because that driver refuses to operate a commercial vehicle when he has a "reasonable apprehension" of serious injury to himself or the public because of the vehicle's unsafe condition.

When a driver claims that he has been wrongfully disciplined or fired in violation of the STAA, his case may be heard by officials of the U.S. Department of Labor (DOL). The DOL has decided only a handful of cases where a driver has been fired for refusing to drive due to bad weather.

In *Cleary v. Flint Ink, Corp.* (1996), a driver refused a dispatch scheduled to depart at midnight. On the morning of his scheduled departure, the driver saw the

beginnings of a major snowstorm. He watched a televised weather report predicting heavy snowfall for the area of his scheduled run. The driver telephoned his supervisor at 8:15 a.m. and asked to have his run postponed. Not surprisingly the supervisor told the driver he could not delay his run, but gave him the option to leave immediately. The driver refused and reiterated his refusal to leave at midnight. Ultimately the driver was fired for his refusal to drive.

The Secretary of Labor upheld the firing. While acknowledging that a driver is protected when he refuses to drive due to adverse weather conditions, the Secretary found that the driver's refusal to drive in the *Cleary* case was not reasonable under the circumstances. In ruling for the employer the Secretary of Labor stated:

"Given the evidence presented and the changing nature of the weather it was not reasonable to assume that the roads would be unnavigable 16 hours after [the driver's] decision not to drive.

Cleary should have waited until later in the day to observe the progress of the storm and make his decision based upon the most recent information available."

In the case of *Robinson v. Duff Truck Line, Inc.* (1993), a motor carrier fired a driver because the driver did not even attempt to drive in what he claimed was bad weather. The carrier argued that the language in the regulations that says "the operation of the commercial motor vehicle shall be discontinued" when weather is sufficiently hazardous meant that the driver must at least start a run before refusing to drive due to hazardous weather.

The driver, Robinson, testified that television stations issued weather warnings advising against driving on the highways which were on his route due to icy conditions. Based on this he refused to drive and the carrier fired him.

The Secretary of Labor rejected the carrier's argument that a driver must at least begin his run before he can refuse to drive due to bad weather, stating that it would create an absurd situation of drivers being compelled to take their vehicles at least out of the terminal gate.

Sleet, Rain and Snow

Eash v. Roadway Express, Inc. (2001) was a case before the U. S. Department of Labor wherein the employee, Larry Eash, refused a dispatch based on inclement weather. Eash was assigned to a bid between Copley, Ohio and Pittsburgh. When Eash woke on Jan. 14, 1999, he saw sleet and rain mixed with snow outside his home. Weather reports on the local radio station indicated that freezing rain was moving east toward Wooster, Ohio. A television

news report indicated that driving was dangerous in western Pennsylvania and eastern Ohio. Eash observed freezing rain outside his home. He continued to monitor television and radio weather reports which advised against travel due to snow and freezing rain.

Several times during the day that Eash was scheduled to work, he called the employer and attempted to be relieved of his work responsibilities due to bad weather. Eash advised the persons that he spoke with that he believed the weather conditions made driving dangerous. His employer ignored his requests to be relieved from work until the inclement weather conditions cleared.

Eash left his home in his personal vehicle and began the 20-plus mile drive to Roadway's terminal at Copley, Ohio. As he attempted to drive to work, freezing rain accumulated on his windshield, window glass and outside mirrors; he could barely see the road ahead of him because of the accumulated ice on the windshield. He could not view the side mirrors on his car because of the accumulated ice, and lost control of his vehicle at one point after driving about six miles from home.

He then called Roadway and told the dispatcher on duty that he was not going to report to work because driving conditions were dangerous. Roadway issued a "Letter of Warning" to Eash for his "Failure to report to work after accepting a work call on 1/14/99 at 19:55."

An Administrative Law Judge of the DOL found that Eash "failed to establish that the type of weather conditions existed that would have made it unsafe to operate a commercial motor vehicle on Jan. 14, 1999." However, the Judge found that Roadway had illegally disciplined Eash because "a reasonable person in [Eash's] situation could have determined that a bona fide danger of accident or injury to his person existed and complainant had a reasonable apprehension of serious injury to himself or to the public because of the vehicles' unsafe condition." The judge ordered Roadway to remove from its files the warning letter that it issued to Eash.

When You Can Refuse to Drive

From these cases we can discern several rules about when a driver can refuse to drive due to adverse weather conditions.

► A driver may refuse to start work if the weather is sufficiently hazardous at or near the time he is scheduled to begin as to make it unsafe to operate a commercial vehicle on the highways.

► A driver cannot speculate unreasonably into the future regarding what the road conditions will be beyond a few hours.

► A refusal to drive due to adverse road conditions must be reasonable. The

refusal should be based on the driver's personal observations, weather reports from the radio and television, calls to the Department of Transportation or Highway Patrol, if possible, and information received from other drivers if such information is available.

► Additionally, the driver should be able to articulate for a Court the precise facts that led him to believe that it would have been unsafe for him to operate a commercial vehicle on the highways.

The STAA provides broad relief to an employee who is successful in proving that he was illegally disciplined or fired. A successful claimant is entitled to reinstatement, expungement of his work record, back pay, other damages, attorney fees and legal costs.

Remedies

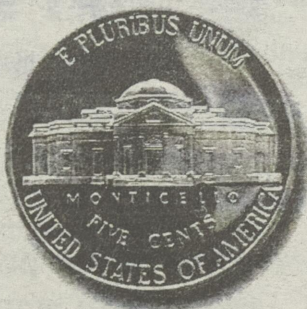
If an employer illegally fires or disciplines a driver for refusing to drive a commercial vehicle in dangerous weather, the driver can seek relief under the STAA. A driver must file a complaint with the federal Occupational Safety and Health Administration within 180 days after he receives notice of the illegal discipline. OSHA will investigate a complaint filed under the STAA and thereafter issue a decision. If any party objects within 30 days to OSHA's decision, the case will be assigned to an Administrative Law Judge for consideration. The STAA provides broad relief to an employee who is successful in proving that he was illegally disciplined or fired. A successful claimant is entitled to reinstatement, expungement of his work record, back pay, other damages, attorney fees and legal costs.

Ultimately, the professional truck driver is the best judge of whether road conditions are so hazardous that he should not drive. He must act reasonably under the circumstances. If he acts reasonably in refusing to drive due to dangerous weather conditions, and clearly conveys his reasons for refusing to drive to his employer, then the employer may not legally fire or discipline him for refusing to drive because of hazardous road conditions.

Paul O. Taylor is an attorney with the Truckers Justice Center in St. Paul, Minnesota. He can be reached at 651-454-5800.

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